

CITY UTILITIES COMMITTEE

MINUTES

MAY 5, 2008

The rescheduled meeting of the City Utilities Committee held on **Monday, May 5, 2008 at 9:20 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Howard Shook

The following members were absent:

The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Natalyn M. Archibong

Others present at the meeting were Theresa Stewart, Renee Sheperd, Marc Goncher, and Stephanie Grant, Law Department, Deputy Commissioners Shelia Pierce and George Barnes, Department of Watershed Management; Commissioner, Joe Basista, Department of Public Works; Cathy Martin, Office of Procurement.

Chair Smith Called the meeting to order at 9:20 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA – ADOPTED BY ADDING ONE APPRAISAL**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**

CONSENT AGENDA

- D. ORDINANCES FOR FIRST READING**

08-O-0689 (1) An Ordinance by City Utilities Committee authorizing automobile reimbursement for Position Nos. 52121 (Administrative Assistant Senior) and 53810 (Civil Engineer Senior) on behalf of the Department of Watershed Management, Bureau of Engineering Services; and for other purposes.

FAVORABLE – TO BE REFERRED TO CITY UTILITIES COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

- 08-O-0744 (2) An Ordinance by City Utilities Committee to fix a schedule for monthly Water and Sewer Rates and Charges for the City of Atlanta, Georgia, and to recover costs associated with credit card, electronic check and debit card payment use as authorized by Chapter 154, Article III, Division 3, Sections 154-111 and 154-112 (Water Rates and Charges) and Chapter 154, Article V, Divisions 3, Sections 154-276 and 154-277 (Sewer Rates and Charges) for the time period beginning July 1, 2008 and terminating June 30, 2012; and for other purposes.

FAVORABLE - TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. ORDINANCES FOR SECOND READING

- 08-O-0540 (1) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Time Warner Telecom of Georgia, LP to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)

FAVORABLE - 3RD READING FINAL ADOPTION

- 08-O-0541 (2) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Sprint Telecommunications Corporation, to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)

FAVORABLE - 3RD READING FINAL ADOPTION

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ORDINANCES FOR FIRST READING (CONT'D)

- 08-O-0542 (3) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Southern Telecom, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)**

FAVORABLE - 3RD READING FINAL ADOPTION

- 08-O-0543 (4) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Progress Telecommunications Corporation, to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)**

FAVORABLE - 3RD READING FINAL ADOPTION

- 08-O-0544 (5) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with Looking Glass Networks, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)**

FAVORABLE - 3RD READING FINAL ADOPTION

- 08-O-0545 (6) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with AGL Networks, LLC, to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)**

FAVORABLE - 3RD READING FINAL ADOPTION

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ORDINANCES FOR FIRST READING (CONT'D)

- 08-O-0546 (7) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with XO Georgia, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)**

FAVORABLE - 3RD READING FINAL ADOPTION

- 08-O-0547 (8) An Ordinance by Councilmember Carla Smith authorizing the Mayor to execute a Franchise Renewal Agreement with BellSouth Telecommunications, Inc., to provide telecommunications services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(Councilmember Muller made a motion to approve, 3rd Reading, Final Adoption)**

FAVORABLE - 3RD READING FINAL ADOPTION

- 08-O-0823 (9) An Ordinance by Councilmember Felicia A. Moore correcting Ordinance Number 07-O-1075 which abandoned a portion of Bolton Place, NW located between Bolton Drive and Marietta Boulevard and a portion of Bolton Drive, NW located between the Dead-End of Bolton Drive to approximately 306.76 feet west of Bolton Place; and for other purposes.

FAVORABLE

- 08-O-0848 (10) An Ordinance by Councilmember Anne Fauver authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain subdivision SD-08-02 (1824 Piedmont Avenue, NE) applicant deposit a dollar amount (\$6,300.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 6; and for other purposes. **(Held 5/5/08 for further review)**

HELD

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F. RESOLUTIONS

- 08-R-0677 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Wade Coots Company, Inc. for FC-4195, Annual Contract for Testing and Analysis of Large Water Meters, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,181,650.00; all contracted work shall be charged to and paid from Account Number as listed; and for other purposes. **(Councilmember Smith made a motion to approve)**

FAVORABLE

- 08-R-0678 (2) A Resolution by City Utilities Committee authorizing the Mayor or her designee to enter into Renewal Agreement No. 1 with Florida Testing Services, LLC D/B/A Xenco Laboratories F/K/A Accura Analytical Laboratories for FC-6006007932, Trace Organic Laboratory Services, on behalf of the Department of Watershed Management in an amount not to exceed \$48,000.00; all contracted work shall be charged to and paid from Various Funding Sources; and for other purposes. **(Councilmember Shook made a motion to approve)**

FAVORABLE

- 08-R-0679 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Site Engineering, Inc., for FC-3006007923, Streambank Stabilization and Bioengineering Systems on behalf of the Department of Watershed Management in an amount not to exceed \$200,000.00; all contracted work shall be charged to and paid from FDOA 5051-170602-5222999-7410000 [Water & Wastewater Revenue (Fund) DWM Greenway Planning & Acquisition (Department/Org) Service/Repair/Maintenance Cont-Conversion (Account) Planning & Zoning (Function Activity)]; and for other purposes. **(Councilmember Young made a motion to approve)**

FAVORABLE

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RESOLUTIONS (CONT'D)

- 08-R-0680 (4) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Atlanta Infrastructure Managers, for FC-6005007989, Sewer System Evaluation Survey of Wastewater Collection and Transmission System Sewer Groups 3&4-Contract D on behalf of the Department of Watershed Management in an amount not to exceed \$1,790,300.00; all contracted work shall be charged to and paid from PTAE0 Funding Source 17102652/101/505281387/5212001 Consulting/Prof Services/City of Atlanta; and for other purposes. **(Councilmember Young made a motion to approve)**

FAVORABLE

- 08-R-0681 (5) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 3 Annual Contract with HDR Engineering, Inc., for FC-6005007887-D, to add additional funding for the City Hall South Trinity Avenue Sidewalk Design and Construction Work, on behalf of the Department of Public Works, in an amount not to exceed \$16,500.00; all contracted work shall be charged to and paid from Fund Department and Account Number as listed; and for other purposes. **(Councilmember Smith made a motion to approve on substitute)**

FAVORABLE ON SUBSTITUTE

- 08-R-0682 (6) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with SD&C, Inc., for FC-3006007969, Pryor Road Streetscape Project, on behalf of the Department of Public Works, in order to continue the Streetscape Improvement Projects along Pryor Road; and for other purposes. **(Held 5/5/08 for further review)**

HELD

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RESOLUTIONS (CONT'D)

- 08-R-0683 (7) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with Desmear Systems, Inc., for FC-3006007928, Perry Boulevard Streetscape, on behalf for the Department of Public Works; and for other purposes. **(Councilmember Shook made a motion to approve)**

FAVORABLE

- 08-R-0684 (8) A Resolution by Councilmember Natalyn Archibong authorizing the Mayor to execute Renewal No. 1 with Precision 2000, Inc., for FC-3006007964, Metropolitan Parkway Phase I and Phase II Streetscape Project, on behalf of the Department of Public Works, in an amount not to exceed \$825,751.00; all contracted work shall be charged to and paid from Various Fund Department and Account Numbers; and for other purposes. **(Held 5/5/08 for further review)**

HELD

- 08-R-0685 (9) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with SD&C, Inc., for FC-3005007883-B, Annual Contract, Construction Services for Sidewalk, Driveways and Curbs, on behalf of the Department of Public Works, in an amount not to exceed \$953,268.54; all contracted work shall be charged to and paid from Various Fund Department and Accounts Numbers; and for other purposes. **(Held 5/5/08 for further review)**

HELD

- 08-R-0686 (10) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 2 with Stewart Bros., Inc., for FC-3005007849A, Annual Asphalt Resurfacing and Milling Contract, on behalf of the Department of Public Works, in an amount not to exceed \$2,923,301.97; all contracted work shall be charged to and paid from Various Fund Department and Account Numbers; and for other purposes. **(Councilmember Smith made a motion to approve on substitute.)**

FAVORABLE ON SUBSTITUTE

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RESOLUTIONS (CONT'D)

- 08-R-0687 (11) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Atlanta Services Group, a Joint Venture for FC-7619-03B, Annual Contract for Architectural and Engineering Services, for additional Construction Management Services for the North Highland Avenue Streetscape Project Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$40,400.00; all contracted work shall be charged to and paid from PTAE0 Number: 13102534 102 313821776 COA and Fund Department and Account Number: 3138 130308 5410001; and for other purposes. **(Councilmember Smith made a motion to approve.)**

FAVORABLE

- 08-R-0688 (12) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters and Associates, a Joint Venture for FC-7619-03A, Annual Contract for Architectural and Engineering Services, for additional Design and Construction Management Services for the Cheshire Bridge Road Streetscape Project Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$49,706.00; all contracted work shall be charged to and paid from Fund Department and Account Number: 3138 (2008 Quality of Life Fund) 130308 (DPW Transportation Design) 5410001 (Consulting/Professional SVCS-Capital PRJS) PTAE0 Funding Source: 13102534/103/313821776/5410001 Consulting/Professional SVCS-Capital City of Atlanta; and for other purposes. **(Councilmember Young made a motion to approve.)**

FAVORABLE

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G. PAPERS HELD IN COMMITTEE

- 06-O-0937 (1) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "***Riparian Buffer Requirements***"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

HELD

- 07-R-0002 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

HELD

- 07-R-1214 (3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

HELD

- 07-R-1477 (4) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**

HELD

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PAPERS HELD IN COMMITTEE

- 07-O-1521 (5) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

HELD

- 07-O-2023 (6) An Ordinance by Councilmember Carla Smith, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-83, (701 Pershing Avenue, SE) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes. **(Held 9/25/07 for further review)**

HELD

- 07-R-2147 (7) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta ("City"), to enter into an Encroachment Agreement for non-conforming uses, with Zoo Atlanta, for the installation of twenty (20) Wayfinding Signs on the City's right-of-way; and for other purposes. **(Held 10/9/07 for further review)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2505 (8) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

HELD

- 07-O-2604 (9) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 07-O-2605 (10) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 08-R-0008 (11) A Resolution by City Utilities Committee authorizing the Mayor to accept on behalf of the City of Atlanta certain property at intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14th (FF) District, Fulton County Georgia, as described in the attached Exhibits "A" and "A-1" by execution of a Quitclaim Deed conveying land to the City for development of a Pump Station; and for other purposes. **(Held 1/15/08 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-R-0296 (12) A Resolution by Councilmember Carla Smith as **substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$5,000.00 as stipulated penalties for the violation of Fecal Coliform Standards at the Tnyard Creek CSO on February 17, 2008 pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 2/12/08.)**

FAVORABLE ON SUBSTITUTE

- 08-O-0426 (13) An Ordinance by City Utilities Committee to create Chapter 154, Section 121 (Drought Surcharge Established) and Chapter 154, Section 279 (Drought Surcharge Established) in the Code of Ordinances, City of Atlanta, to establish new Drought Surcharges for the City of Atlanta's Water and Wastewater Systems; and for other purposes. **(Public Hearing held 3/19/08 at 6:30 p.m. in the Council Chambers) (Held 3/11/08)**

HELD

- 08-O-0481 (14) An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

HELD

- 08-C-0532 (15) A Communication by Councilmembers Ivory Lee Young, Jr., District 3; Cleta Winslow, District 4 and Ceasar C. Mitchell, Post 1 At-Large appointing **Mr. Sho Watson, Esq.** to serve as a member of the People TV Board of Directors. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Held 4/1/08 awaiting Mr. Watson to appear before the committee.)**

FORWARDED WITH NO RECOMMENDATION TO COMMITTEE ON COUNCIL

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0562 (16) An Ordinance by Councilmember Anne Fauver **as amended by City Utilities Committee** amending the Code of Ordinances of the City of Atlanta by deleting a sentence in subparagraph (f); and for other purposes. **(Held 4/1/08 for further review.)**

HELD


H. REQUESTED ITEM

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

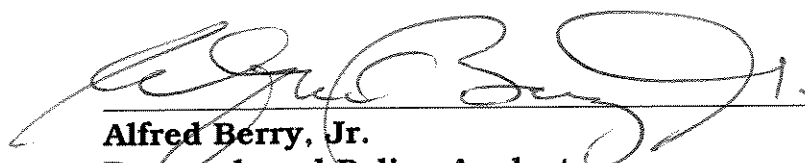
I. ITEMS NOT ON THE AGENDA

Appraisal of Abandoned Portion Tazor Street, N. W., Right of Way


There being no further business to come before the Committee, the meeting was adjourned at 9:50 a.m.



Angela H. Campbell
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Carla Smith, Chair
City Utilities Committee